

UNITED STATES DISTRICT COURT

Southern District of Texas

FILED

for the

June 22, 2020

Southern District of Texas

David J. Bradley, Clerk of Court

United States of America
v.
Fredy Miguel Diaz-Hernandez

Case No. **4:20-mj-1114**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 13, 2020 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. § 1326 (a) and (b) (1)

a native and citizen of El Salvador, and an alien who had been previously deported from the United States, after having been convicted of a crime defined as a felony, was found unlawfully in the United States at Houston, Texas, the said defendant having not obtained the consent before March 2003 from the Attorney General of the United States to reapply for admission into the United States; and without having obtained corresponding consent after February 2003 from the Secretary of Homeland Security pursuant to 6 U.S.C. §§ 202(3) and (4) and 6 U.S.C. § 557,

This criminal complaint is based on these facts:

See Attached Affidavit in support of the Criminal Complaint

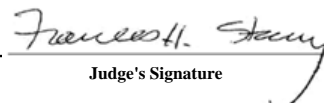
☐ Continued on the attached sheet.


Complainant's signature

Justin Vedder, ICE Deportation Officer

Printed name and title

Sworn to me telephonically.

Date: 06/22/2020City and state: Houston, Texas


Judge's Signature

Frances H. Stacy, Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Justin Vedder, being duly sworn by telephone, hereby depose and say:

(1) I am a Deportation Officer with the United States Immigration and Customs Enforcement ("ICE") and have served in that capacity since September 2016. Prior to this assignment, I have held the following positions: Customs and Border Protection Officer and Immigration Enforcement Agent. My law enforcement career began on January 26, 2004, as a Customs and Border Protection Officer. I have over 16 years of immigration law enforcement experience.

(2) On June 20, 2020 at 2130 hrs., Fredy Miguel Diaz-Hernandez was detained by ICE. The Defendant is also known as, or has used, the aliases of Fredy Miguel Hernandez, Fredy Miguel Henandez and Fredy Diaz Hernandez.

(3) The Defendant's fingerprints have been taken and electronically submitted to various law enforcement databases. According to the Integrated Automated Fingerprint Identification System (IAFIS), the Defendant is the same individual as the person referred to in this Affidavit as having been previously convicted and deported.

(4) Based upon the information from ICE's records as described below, and my training and experience, I submit that there is probable cause to believe that the Defendant is in violation of 8 U.S.C. § 1326(a) and (b) (1).

(5) Element One: The Defendant is a citizen and national of El Salvador and not a native, citizen or national of the United States.

(6) Element Two: The Defendant has previously been deported or removed from the United States on the following occasion(s):

a. July 15, 2016

(7) Element Three: After deportation, the Defendant was subsequently found in the United States on March 13, 2020 at Houston, Texas, which is within the Southern District of Texas. Specifically, the Defendant was found in Harris County, which is within the Houston or Galveston Division of the Southern District of Texas. Additionally, I consulted with ICE's Law Enforcement Support Center ("LESC") to determine whether, in the past five years and after the Defendant's last deportation, the Defendant had been encountered by law enforcement prior to the date specified earlier in this paragraph. On June 22, 2020, LESC advised me that it had no record of such an encounter.

(8) Element Four: The Defendant did not have permission to reenter the United States. On June 22, 2020, I reviewed the contents of the Alien File associated with this Defendant and/or available database information. I found no indication that the Defendant has ever received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, to apply for admission to the United States following deportation from the United States. I have requested certification of this fact from the Records Branch of the Immigration Service.

(9) Prior Criminal History / Gang Affiliation. The Defendant has the following prior criminal history and/or gang affiliation:

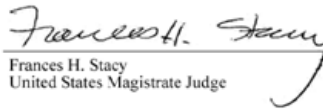
- a. On January 3, 2003, the Defendant, using the name Fredy Miguel Hernandez was convicted in the County Criminal Court 12 Houston in Harris County, Texas for the offense of Possession of Marijuana <2oz, a Misdemeanor under case #114911701010. For this offense, the Defendant was sentenced to Confinement for a term of 2 days.
- b. On September 15, 2011, the Defendant, using the name Fredy Miguel Hernandez was convicted in the 338th District Court Houston in Harris County, Texas for the offense of Assault Causes Bodily Injury Family Member, a Misdemeanor under case #130050201010. For this offense, the Defendant was sentenced to Confinement for a term of 30 days.
- c. On June 1, 2012, the Defendant, using the name Fredy Miguel Hernandez was convicted in the County Criminal Court 11 Houston in Harris County, Texas for the offense of DRIVING W/LIC INV W/PREV CONV/SUSP/W/O FIN RES, a Misdemeanor under case #183099601010. For this offense, the Defendant was sentenced to Confinement for a term of 3 days.
- d. On October 3, 2013, the Defendant, using the name Fredy Miguel Hernandez was convicted in the 23rd District Court Angleton in Brazoria County, Texas for the offense of Burglary of Building, a Felony under case #68355. For this offense, the Defendant was sentenced to Confinement for a term of 365 days.
- e. On July 16, 2013, the Defendant, using the name Fredy Miguel Henandez was convicted in the 248th District Court Houston in Harris County, Texas for the offense of THEFT PROP >=\$100K <\$200K, a Felony under case #137880801010. For this offense, the Defendant was sentenced to Confinement for a term of 5 years.

(10) On June 22, 2020, I contacted the U.S. Attorney's Office, Southern District of Texas, Houston Division, concerning this criminal complaint. On or about that day, Assistant U.S. Attorney Christine Lu (713-502-7881) accepted this case for prosecution for a violation of 8 U.S.C. § 1326(a) and (b) (1).



Justin Vedder, Deportation Officer
United States Department of Homeland Security
U.S. Immigration & Customs Enforcement

Signed and sworn telephonically before me this 22nd day of June 2020, and I find probable cause.



Frances H. Stacy
United States Magistrate Judge

